

North Carolina

A. STATE-AT-A-GLANCE

1)	Program Operation	State Administrated
2)	Number of Local Offices (excluding Agencies under Cooperative Agreements)	16 offices representing 30 counties, remaining 70 counties operate program through department of social services, county attorney, or county manager.
3)	Type of Agencies with Cooperative Agreements	Administrative Office of the Courts, several local sheriff's department and attorneys
4)	Uniform Interstate Family Support Act	Yes
5)	Agreements With Tribal Entities	Yes, Cherokee Tribal Court
6)	Age of Majority for Termination of Support	18 years, unless attending secondary school full time or up to age 20 whichever comes first. No other provision is made except for one stated.
7)	Statutes of Limitation:	
	• Collection of Past Due Support	10 years
	• Paternity Establishment	Child's 18 birthday
	• Dormancy Revival/Renewal Possible [yes/no]	Yes, a judgment can be revived once for 10 years
8)	Guidelines	Income shares formula
9)	Interest Rates on	
	• Missed Payments	No
	• Retroactive Support	No
	• Adjudicated Arrearage	No
10)	Arrearage Collections for Non-minor Child(ren)	Yes, where the former custodian of a child applies for non-assistance services/collection for past paid assistance
11)	Distribution Scheme	
	• AFDC Arrears	First to current support, then to AFDC arrears, then to IV-E, then to SFHF, then to Non-AFDC arrears. IRS intercepted funds are applied first to AFDC arrears.

	<ul style="list-style-type: none"> Non-AFDC Arrears 	Non-AFDC arrears are paid after all AFDC arrears are paid in full
12)	Procedures Regarding Medical Support Using Income Withholding	Yes, when a specified dollar amount is included in the order
13)	New Hire Reporting	No
14)	Recovery of Costs Elected Under State Plan	No
15)	Recovery of Costs for Initiating State	Genetic test costs.
16)	Long-Arm Statute/s Citation/s	Yes. G.S. 1-75.4 G.S. 52-C-2-201.
17)	Automated Locate Resources	Department of Motor Vehicles, Employment Security, Credit Bureaus, Department of Corrections, IV-A Program, EPLN, Secretary of State, Wildlife Commission
18)	Enforcement Options	
	<ul style="list-style-type: none"> State Income Tax Refund Intercept 	Yes
	<ul style="list-style-type: none"> License Revocation/ Suspension 	Yes, Professional, Business, Occupational - effective July 1, 1996 Drivers License effective December 1, 1996
	<ul style="list-style-type: none"> Administrative Liens 	Yes
	<ul style="list-style-type: none"> Property Seizure & Sale 	Yes
	<ul style="list-style-type: none"> State Funds/Benefits (please specify) 	Unemployment benefits, workers' compensation
	<ul style="list-style-type: none"> Other (please specify) 	
19)	Spousal Maintenance Orders <i>(specify yes or no)</i>	No
	<ul style="list-style-type: none"> Establish 	No
	<ul style="list-style-type: none"> Enforce 	Yes, when there is also a child support obligation
	<ul style="list-style-type: none"> Modify 	No
20)	Current Spouse/Partner Information Required	Yes

B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1)	State Code Citation	North Carolina General Statute 52C
2)	Effective Date	January 1, 1996
3)	Adopted Verbatim? If no, list differences.	Yes
4)	Repeal URESA?	Yes, except for actions pending on or before January 1, 1996
5)	Repeal IWW?	No

C. INCOME WITHHOLDING

1)	Income Withholding Terminology	Income Withholding
2)	Income Withholding Procedures	
	<ul style="list-style-type: none"> State Withholding Limits 	<p>25% of Unemployment Benefits</p> <p>40 % of disposable income when withholding for one support order</p> <p>45% of disposable income when withholding for multiple support orders and the absent parent is supporting a spouse and other dependent children</p> <p>50% of disposable income when withholding for multiple support orders and the absent parent is not supporting a spouse or other dependent children</p>
	<ul style="list-style-type: none"> Fee Charged by Employers 	\$2.00 fee per withholding per pay period
	<ul style="list-style-type: none"> Date to Remit 	First pay date within 14 days of being served notice to withhold from employee's wages and within 10 days of each subsequent payment
	<ul style="list-style-type: none"> Penalty 	<p>If the employer fails to comply with income withholding, and negotiations fail between the IV-D office and the employer, the IV-D office will join the employer as a third party defendant and request the court to order income withholding to begin</p> <p>There is a \$100.00 penalty for first offense; \$500.00 for the second offense; and \$1000.00 for the third offense</p>

3)	Definition of Employer	Any entity that pays wages
4)	Included Income	Disposable Income paid periodically to an individual, including but not limited to wages, salary, commission, self-employment income, bonus pay, severance pay and sick leave, incentive pay, vacation pay, workers' compensation, unemployment compensation, disability, annuity, survivor's benefits, pension and retirement benefits, interest, dividends, rents, royalties, trust income and other similar payments which remain after deduction of amounts from Federal, State, and local taxes, Social Security and involuntary retirement contributions.
5)	Excluded Income	AFDC, SSI, federal Black Lung Benefits, payments under Federal Tort Claims Act, federal grants, fellowships, VA disability, VA death benefits, VA Educational Assistance, refunds from erroneous payment or overpayment of federal income tax, and ROTC
6)	Direct Income Withholding for Unemployment Compensation, include address	No, not an employer
7)	Direct Income for Workers' Compensation, include address	Yes
8)	Direct Income Withholding, other income sources subject to, include address	Employers
9)	Direct Income Withholding, list Other Income Sources NOT subject to	
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Yes
12)	Arrearages through Income Withholding	Yes
13)	Enforcing Against Non-Resident Obligor Asset/Income	Yes, if we have jurisdiction of absent parent or assets
14)	Exception to Immediate Withholding	Yes
15)	Multiple Obligations Withholding Priorities	Yes
	• Policy	Yes
	• Priority	Current Support
	• Assistance	(PLEASE CLARIFY)

• Allocation	Pro-rata share of total amount withheld based on respective child support orders being enforced
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D. PATERNITY

1) Interstate Paternity Procedures	IV-D agency attempts to obtain paternity and support order voluntarily. If paternity is contested, genetic test will be done The responding state schedules the genetic tests and the initiating state is responsible for payment
Consent Orders Obtained	Yes
2) Uniform Parentage Act	No
3) Uniform Act on Blood Testing	No
4) Parentage Order Available Without Order for Support	Yes
5) Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	No
6) Genetic Test Results as Presumption of Paternity	Yes
Threshold	97%
7) Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Rebuttable
8) Marriage as Presumption of Paternity	Yes
9) Putative Father's Name on Birth Certificate, Effect of	Yes, creates presumption of paternity
10) Other Statutory Presumptions	No
11) Recognition of Common Law Marriage	No
12) Personal Appearance of Witness or Custodial Parent Required	Maybe

Acceptable Methods of Testimony	Documentary evidence transmitted by telephone, fax, or other means. Depositions by telephone, audiovisual aids or other electronic means are permissible
13) Long-Arm Statute	Yes
14) Assistance to Other States Using Their Long-Arm Statutes	
• Service of Process	Yes, local sheriff's department
• Genetic Testing	Yes, local child support agency
15) Recovery of Genetic Testing Costs for Other States	Yes

E. SUPPORT ORDER ESTABLISHMENT

1) Interstate Procedures	Upon receipt of UIFSA petition for support establishment, local IV-D agency attempts to contact defendant to obtain voluntary support agreement; if defendant is willing to enter into support agreement is prepared using NC guidelines; all documents reviewed by IV-D attorney prior to filing with court; documents are reviewed by a district court judge who signs order approving support agreement; documents have same effect as judgment of district court; if defendant is not willing to enter into support agreement, case is scheduled for court
2) Income Considered for Setting Support	Gross income of each parent from any source and includes but is not limited to wages, salaries, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, unemployment benefits, disability, insurance benefits, gifts, prizes and alimony or maintenance received from persons other than parties of this action
3) Criteria for Rebuttal	Our guidelines are rebuttable. The guideline amount is mandatory unless a basis for deviation would be inequitable to either party
4) Support Order for Prior Periods	Yes, 3 year limit on each claim from date expenditure was made

F. ENFORCEMENT

(Note: If multiple orders, see Part "G")

I. ENFORCING YOUR OWN ORDER

1)	Enforcement for Non-Resident Family	Yes
2)	Administrative Procedures and Remedies Available	Yes, through income withholding and tax intercept
3)	Judicial Procedures and Remedies Available with Registration	Yes

II. ENFORCING OTHER STATES' ORDERS

4)	Administrative Procedures and Remedies Available Without Registration	Yes, income withholding
5)	Judicial/Administrative Remedies with Registration	Yes
6)	UIFSA/URESA Registration and Enforcement Procedure	Orders can be registered for enforcement, modification or both, when applicable
7)	Judicial Procedures Required after Registration	No
8)	Uniform Enforcement of Foreign Judgments Act Citation	Does not include child support orders

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1)	Jurisdiction Requirements	Our state must have CEJ under UIFSA
2)	Modification Procedures	A court order is modified upon motion in the cause and showing of substantial changed circumstance affecting the welfare of child by either parent or interested party
3)	Criteria for Modification	There must be a 15% change in the amount between the existing order and the amount calculated using the guidelines for review and modification and if the existing support order is 3 years or more older If the order is less than 3 years old, the party requesting the modification must verify "substantial change of circumstance"
4)	Criteria for Change of Circumstances	Physical and emotional health needs; educational needs; day care costs or costs relating to the age of the child; and a change in custody status could be considered
5)	Frequency With Which Reviews are Conducted	Every 3 years or less if there is a significant change of circumstance
6)	Criteria for Review	Order must be 3 years old or there must be a substantial change of

	circumstances
7) Criteria for Adjustment	Physical and emotional health needs; educational needs; day care costs or costs relating to the age of the child; and a change in the custody status may be considered

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1) Controlling Order	Order issued in child's current home state has CEJ; if no order from child's current home state, order most recently entered
2) Date of Controlling Order	A determination by agency per UIFSA
3) If No Controlling Order	All existing orders are presented to tribunal and a determination is made by agency which will become the controlling order or a new order is entered and CEJ is assumed per UIFSA
4) Arrears Procedure	Arrears cannot be modified, except for arrearages that accrued between time of filing and date of hearing or physical disability, mental incapacity, indigence, misrepresentation of another party or some other compelling reason

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu-ment	Certifi-cation required for each docu- ment *See below
Establishment of Paternity and Support	Child Support Enforcement Transmittal, Uniform Support Petition, General Testimony, Paternity Affidavit, Certified birth certificate, Mother's Affirmation of Paternity(notarized and original)	3 sets BC-3	USP-A GT-A PA-A BC-B MA-A CSE-E
Enforcement of Responding State's Order	For Income Withholding, CSE Transmittal, Court order and Arrearages For registration for enforcement: CSE Transmittal, Statement of Fact, court order and arrears aff	1 order 2 orders	CSE-E 1-order-C arrears-C SOF-A
Modification of Responding States' Orders	CSE Transmittal, General Testimony with income and expense affidavit	CSE-1 GT-1	Income & Expense -A GT-A CSE-E
Administrative Enforcement of Another States' Order	Income Withholding: CSE Transmittal; support order and arrears affidavit	1 order 1 CSE 1- Arrears	1 order C 1 arrears C CSE-E
Registration for Enforcement of Another States' Order	CSE Transmittal; support order and arrears affidavit and Statement of Fact	2 orders 1 CSE 1 SOF	CSE-E 1 order C arrears C SOF-A
Collection of Arrearages in Multiple Orders	Through Registration - CSE Transmittal, all support orders and all pay records	1 CSE 2 orders	CSE-E 1 order C 1 pay record

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu-ment	Certifi-cation required for each docu- ment *See below
			C
Uniform Enforcement of Foreign Judgments Act	N/A		
Modification of Another State's Order	CSE Transmittal, Statement of Fact for Registration, court order, arrears affidavit, General Testimony with income and expense information	1 CSE 2-SOF 2 GT 2 orders	CSE-E 1 order C 1 SOF-A 1 pay record C
Status Update on an Existing Interstate Case	CSE Transmittal	1	CSE-E
Assistance/Discovery	CSE Transmittal	1	CSE-E
Quick Locate	Locate Data Sheet	1	E

**A= Notarization by Notary Public; B= Certification by signature of agency official;
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required*

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Kathy L. Futrell, Central Registry Manager Child Support Enforcement 100 E. Six Forks Road Raleigh, NC 27609 919-571-4114, ext. 230 919-571-4126 FAX
Central Registry	Same
Interstate Policy Contact (if different)	
Contact for Information Regarding Your States Long Arm Statute and Process	Same
Contact for Information Regarding Collection and Distribution (State level)	Lillian Overton, Section Chief for Distribution/Collections 919-571-4114, ext. 248
Contact to Obtain Payment Records	Local IV-D Agency
Contact to Obtain Copy of Order	Local Clerk of Court
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	
<ul style="list-style-type: none"> Service of Process (private process server? If so , list) 	Local sheriff’s department
<ul style="list-style-type: none"> Genetic Testing (e.g. assistance with interstate teleconferencing) 	Local IV-D agency or Central Registry
New Hire Reporting Contact	N/A
Employer Assistance Contact	Barry G. Burger, Section Chief for Program Operations 919-571-4114, ext. 304
Telephone Number for Automated Interstate Case <i>Status</i> Requests	N/A

(if any)	
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	919-571-4120
Privatization Contact	Barry Miller, Section Chief for Local Operations 919-571-4114, ext. 219